

SL 2008-107 SECTION 29.7

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

SESSION LAW 2008-107

HOUSE BILL 2436

AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2007, TO AUTHORIZE INDEBTEDNESS FOR CAPITAL PROJECTS, AND TO MAKE VARIOUS TAX LAW AND FEE CHANGES.

INCREASE REGISTRATION FEE FOR DEEDS OF TRUST AND MORTGAGES FOR FLOODPLAIN MAP USE

SECTION 29.7.(a) G.S. 161-10(a) reads as rewritten:

"(a) Except as otherwise provided in ~~G.S. 161-11.1 or 161-11.2~~, this Article, all fees collected under this section shall be deposited into the county general fund. While performing the duties of the office, the register of deeds shall collect the following fees which shall be uniform throughout the State:

...

(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. – For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ~~twelve dollars (\$12.00)~~ twenty-two dollars (\$22.00) for the first page plus three dollars (\$3.00) for each additional page or fraction thereof.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone. For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee."

SECTION 29.7.(b) Article 1 of Chapter 161 is amended by adding a new section to read:

"§ 161-11.3. Fees for floodplain mapping.

Ten dollars (\$10.00) of each fee collected by the register of deeds for registering or filing a deed of trust or mortgage pursuant to G.S. 161-10(a)(1a) must be forwarded by the register of deeds to the county finance officer, who must forward the funds to the Department of Crime Control and Public Safety to be credited to the Floodplain Mapping Fund established under G.S. 143-215.56A. The county finance officer must forward the funds to the Department on a monthly basis."

SECTION 29.7.(c) Part 6 of Article 21 of Chapter 143 is amended by adding a new section to read:

"§ 143-215.56A. Floodplain Mapping Fund.

The Floodplain Mapping Fund is established as a special revenue fund. The Fund consists of the fees credited to it under G.S. 161-11.3. Revenue in the fund may be used only to offset the Department's cost in preparing floodplain maps and performing its other duties under this Part."

SECTION 29.7.(d) This section becomes effective October 1, 2008, and applies to deeds of trust and mortgages registered or filed on or after that date.

APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

SECTION 30.4A.(a) Except where expressly repealed or amended by this act, the provisions of S.L. 2007-145 and S.L. 2007-323 remain in effect.

SECTION 30.4A.(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 2008-2009 fiscal year in S.L. 2007-145 and S.L. 2007-323 that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

SEVERABILITY CLAUSE

SECTION 30.5. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 30.6. Except as otherwise provided, this act becomes effective July 1, 2008. In the General Assembly read three times and ratified this the 8th day of July, 2008.

s/ Charlie S. Dannelly
Deputy President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:52 p.m. this 16th day of July, 2008